UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1200
13 April 1993

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Forty-sixth session

SUMMARY RECORD OF THE 1200th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 3 November 1992, at 3 p.m.

Chairman: Mr. POCAR

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Bosnia and Herzegovina

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-18286 (E)

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Bosnia and Herzegovina

1. The CHAIRMAN invited members of the Committee to consider the report (document without symbol and in English only) submitted by the Government of the Republic of Bosnia and Herzegovina. He recalled that the report had been requested of the authorities of Bosnia and Herzegovina pursuant to a decision adopted by the Committee after its forty-fifth session in view of the events that had taken place and which were still taking place in the territory of the former Yugoslavia and which affected the human rights guaranteed by the Covenant. The Committee had deemed it necessary to request the successor States of the former Yugoslavia to submit a report as a matter of urgency on the human rights situation in their territories. The Governments concerned had been requested to submit, before the end of October, a short report dealing with four matters, namely, the measures taken (a) to prevent and combat the policy of ethnic cleansing in relation to articles 6 and 12 of the Covenant; (b) to prevent arbitrary arrests and killings of persons, as well as disappearances in relation to articles 6 and 9 of the Covenant; (c) to prevent arbitrary executions, torture and other inhuman treatment in detention camps, in relation to articles 6, 7 and 10 of the Covenant; and (d) to combat advocacy of national, racial or religious hatred in relation to article 20 of the Covenant. The Committee had considered that all the peoples of the former Yugoslavia were entitled to the guarantees provided by the Covenant, and it had therefore acted in accordance with the provisions of its article 40.

2. He welcomed the representatives of the Government of the Republic of Bosnia and Herzegovina and was gratified by their presence despite the many difficulties their country was experiencing. In response to the Committee's request, the Government of Bosnia and Herzegovina had submitted a report on the events that had taken place in the past few months. He gave the floor to the delegation of Bosnia and Herzegovina, which wished to supplement and update the information communicated in the report.

3. Mr. FILIPOVIC (Bosnia and Herzegovina) thanked the Committee for allowing the delegation of his country to comment briefly on the human rights situation in Bosnia and Herzegovina. He would deal solely with the situation in the territory controlled by the legal authorities in discussing the four points comprising the Committee's request. The events that had taken place and that were still taking place in that part of the country controlled by the aggressor (Serbia, Serbian Democratic Party and its armed formations) were described in the report and would be commented upon subsequently in connection with the questions and observations of the members of the Committee.

4. One of the most terrible crimes in modern history was being perpetrated in the territory of Bosnia and Herzegovina. One of the parties to the conflict was endeavouring to transform it into an ethnic and religious war. Unimaginable things were taking place in the country: mass arrests and executions, the deportation of hundreds of thousands of persons, internment in concentration camps and detention centres, denial of the right of individuals

to work, to freedom of movement, to property, etc. The authorities were nevertheless aware that similar things were also occurring in the areas under their control. The Government of Bosnia and Herzegovina had taken a number of steps to prevent ethnic cleansing and was trying to determine, for example, the circumstances in which a large part of the population of two regions, one with a Serbian majority and the other consisting mainly of Muslims, had fled. Perhaps to some extent it was a spontaneous emigration due to the war and an indirect consequence of the policy of ethnic homogenization. Yet only 15,000 individuals had been affected by those events - a negligible number in view of the fact that 600,000 Muslim citizens had been forced to abandon their homes in various regions of Bosnia and Herzegovina. Virtually the entire Muslim population had been forced to flee from certain areas.

5. The Government of the Republic of Bosnia and Herzegovina opposed an ethnic war. The Bosnian State was a State for all those who lived in its territory. From a historical standpoint, it comprised peoples who had fused to the point of forming an indivisible entity. The Government was doing everything in its power to prevent ethnic cleansing in the territory under its control, but it was powerless in the territory controlled by the other party where ethnic cleansing was an integral part of its war objectives. There had admittedly been cases of arrests and arbitrary executions in the territory under its authority, and investigations had been embarked upon in that connection. Yet there again there was no comparison between those incidents and the exactions perpetrated by the former Yugoslav army and the militia of the Serbian Democratic Party. The number and place of the executions for which they were responsible were, moreover, indicated in the report. According to the most recent figures, 169,000 persons had been executed. That number was terrifying. In some cases, almost the entire population of an area had been killed. He offered the example of a small town of 25,000 inhabitants, 21,000 of whom had perished as a result of mass executions.

6. He admitted that civilians had, here and there, captured and executed a few soldiers accused of those massacres. But the Government had taken steps to ensure that the criminals who had infiltrated paramilitary formations were brought to justice. He recalled that previously Bosnia and Herzegovina had neither its own army nor its own weapons. The people had organized itself spontaneously to defend their country and stand up to aggression. That situation had given rise to a few cases of torture and arbitrary executions by way of reprisals for the mass and arbitrary executions and the torture for which the Serbs were responsible. The Government had nevertheless taken action, dismissing certain officers found guilty of such acts and disbanding local self-defence units whose reprehensible behaviour was notorious. The authorities of Bosnia and Herzegovina desired to guarantee the security of all citizens and would not fail to investigate any cases of human rights violations reported to them. For that purpose they would establish high-level commissions of inquiry.

7. The Serbian Democratic Party's policy was based on the principle that persons of different religious and ethnic origins could not live side by side, and the concept of ethnic cleansing was a corollary of that principle. Efforts were being made in its name to stir up ethnic and religious hatred, and the authorities of Bosnia and Herzegovina were trying to prevent the

propagation of that ideology. Contrary to what spurious information might suggest, there had never been any religious or ethnic war in Bosnia and Herzegovina. Conflicts of that nature were born of the Nazi policy of dividing the population that had been pursued during the Second World War. The ethnic war was therefore something that had been imported into Bosnia and Herzegovina; it was due to the ambitions of neighbouring States which were seeking to annex part of the territory and population of the country. The concept of ethnic war and its actual conduct were part of the broader policies of the Serbs and Croats. The Government of Bosnia and Herzegovina had considered that the best way of defending the Republic was resolutely to oppose any appeal to ethnic or religious hatred.

8. Unfortunately an irreversible trend had emerged: thousands of people were dead or had been forced to emigrate. In that connection he referred to the example of the Jewish community of Sarajevo, whose 1,200 members had fled the town without any hope of ever coming back. That community had lived for an extremely long time in harmony with its Serbian, Croatian, Muslim, Catholic and Orthodox neighbours. Owing to the slowness of the international community's reaction it had been impossible to prevent the tragic exodus, and it would take several generations before the wrong that had been done could be corrected. The Government of Bosnia and Herzegovina for its part would do everything in its power to prevent dramatic situations, and it defended the principle of communities living side by side. It was certain that such coexistence was possible, particularly as a large number of the Muslim, Serb and Croat political and military forces were prepared to defend the principle involved.

9. The CHAIRMAN invited members of the Committee to put questions to the delegation of Bosnia and Herzegovina.

10. Mr. HERNDL thanked Mr. Filipovic for his explanation of the steps taken by the Government of Bosnia and Herzegovina to combat human rights violations in the territory under its control. In general he considered that the report submitted by the authorities of that Republic revealed that they considered themselves bound by the Covenant. He would appreciate confirmation that the provisions of the Covenant were actually applied in the territory of Bosnia and Herzegovina, which was experiencing an unprecedented tragedy. Furthermore, it was clear that the Government controlled neither the entire territory nor certain elements of the population who were taking up arms in an attempt to defend their freedom.

11. The Committee would like to know what the Government had done to protect the rights proclaimed in certain articles of the Covenant, namely, and above all, the right to life, but also the right to protection against torture, to liberty, to humane treatment and freedom of movement. He had noted that the Government had taken action to protect those rights, although it appeared that there were nevertheless a number of flaws for which the Government could not be held responsible in present circumstances.

12. The Committee had various objective sources of information at its disposal, namely, the two reports of the Special Rapporteur of the Commission on Human Rights (E/CN.4/1992/S-1/9 and 10), the report of the Mission of the Conference of Security and Cooperation in Europe (CSCE) to Bosnia and

Herzegovina in August 1992 and reports on the situation in certain camps. It was clear that the situation in camps under the control of the authorities of Bosnia and Herzegovina was better than in other camps, as was confirmed by the report of the Special Rapporteur of the Commission on Human Rights, which in paragraph 24, refuted the accusation that the Muslims were pursuing a deliberate policy of emptying the territory under their control of ethnic Serbs. The Special Rapporteur had been able to visit Bihac, a region in which the majority of the population was Muslim and which was controlled by the Government of Bosnia and Herzegovina, and had come to the conclusion that no policy comparable to an ethnic cleansing policy was being applied there.

13. It appeared that certain problems arose concerning the identification of the persons detained and exchanges of information concerning them. According to the report of the CSCE Mission, the parties to the conflict had not been doing everything they could to provide accurate and up-to-date information about the prisoners they held. The CSCE report also referred to two detention centres under the control of the State of Bosnia and Herzegovina where everything was apparently not perfect from the human rights point of view, particularly at the Konjic centre where, according to certain complaints, extrajudicial executions had taken place. He emphasized that, even in a civil war context, it was important that governments should do their best to prevent excesses. He noted with satisfaction the assurances provided by the Government of Bosnia and Herzegovina concerning the measures it had taken in that respect, namely, the dissolution of certain local self-defence units and the punishment of those responsible for human rights violations.

14. Mrs. HIGGINS thanked the delegation of Bosnia and Herzegovina and said its presence was proof that the Government of Bosnia and Herzegovina considered that it was its duty to ensure the application of the Covenant in its territory. Obligations under the Geneva Conventions and those stemming from the articles of the Covenant overlapped to a certain extent - particularly article 7 concerning torture and humane treatment and article 10 concerning the protection of persons in detention. It should be borne in mind that in May 1992 the four parties to the conflict had undertaken to respect the provisions of the four Geneva Conventions, article 3 of which was common to them, and to ensure respect for them, and that in London, at the end of August, they had confirmed that undertaking. Had those Conventions been respected, there would have not been any serious violations of the Covenant. She would appreciate details about the registers of persons detained and any transfers. It seemed that the authorities of Bosnia and Herzegovina were detaining 854 persons. Had the International Committee of the Red Cross been fully informed of their places of detention? Had the places of detention all been declared as such and could they all be visited?

15. Some human rights violations had apparently been committed at the Konjic and Zenica detention centres. She would like clarification of that point, and in particular to know what instructions had been given at those centres to prevent a repetition of such violations. Had the authorities given clear instructions that only persons bearing arms could be held as prisoners since otherwise the arrest was arbitrary and contrary to article 9 of the Covenant? It was important not only that the persons arrested should be treated correctly but also that certain categories of persons should not be arrested

at all. Lastly, what specifically had been done to prevent persons from being arrested simply to be exchanged for the Muslims of Bosnia held by the opposing forces?

16. Mr. PRADO VALLEJO expressed consternation at the terrible genocide that was being vested upon various peoples of the former Yugoslavia. All norms of humanitarian law in general, as well as the Geneva Conventions and the Human Rights Covenants had been violated. Latin America was horrified by what was happening in that part of the world but unfortunately had insufficient power to influence the situation. The question of respect for human rights was one that concerned mankind as a whole, and it had already been affirmed that such respect was a norm of jus cogens. The protection and promotion of human rights should be ensured by all countries of the world, regardless of their political, economic or geographical situation.

17. The report of the Special Rapporteur of the Commission on Human Rights (E/CN.4/1992/S-1/9) revealed that human rights violations were being committed in Bosnia and Herzegovina. According to paragraph 25 of that report, a policy of ethnic cleansing was being pursued against the Muslim and Serbian minorities in an area of Bosnia and Herzegovina, and a large number of civilians had been forced to leave their homes as part of that policy (para. 33). According to the Special Rapporteur, that practice existed in Croatia as well as in the Bosnian territories controlled by the Government (para. 34). It therefore seemed that all parties bore responsibility for the genocide being committed in the former Yugoslavia. It was true that Bosnia and Herzegovina had been the main victim of that monstrous genocide mainly as a result of the actions of ethnic Serbians, yet Bosnia was also under a duty to protect and promote human rights. What were the authorities of that country doing, despite their serious and difficult situation, to prevent human rights violations? Crimes against humanity and war crimes contrary to international law and particularly the Geneva Conventions were being committed, and one day, after peace had been restored, an international tribunal must judge those responsible for those atrocities.

18. Mr. EL SHAFEI said that the dialogue established with Bosnia and Herzegovina was justified and would provide a better understanding of the questions that had arisen. It was the Committee's duty to ensure respect for all articles of the Covenant, even in a context such as that in the former Yugoslavia. It should be objective and rigorous in considering how the Covenant was being applied, and should base its conclusions on facts.

19. The delegation of Bosnia and Herzegovina had referred to the investigations conducted by the authorities of that country. Could it explain the nature of the investigations being carried out, their number and the results? The information available to the Committee revealed that the parties to the conflict had not notified all places of detention, nor given complete lists of those detained as required by the Geneva Agreement of 22 May 1992. Had Bosnia and Herzegovina provided all the information required on that subject? Lastly, he would like the delegation of Bosnia and Herzegovina to comment on paragraphs 5 and 6 of the second report of the Special Rapporteur of the Commission on Human Rights (E/CN.4/1992/S-1/10), where it was stated that serious human rights violations were continuing in Bosnia and Herzegovina, resulting in many victims, that the Muslim population was

threatened with extermination and that, according to the Special Rapporteur and other observers, the principal objective of the military conflict in Bosnia and Herzegovina was the establishment of ethnically-homogenous regions and that that goal had already been achieved to a large extent through killings, beatings, rape and destruction.

20. Mr. AGUILAR URBINA noted with satisfaction that the authorities of Bosnia and Herzegovina seemed to consider themselves bound by the Covenant, and asked whether they had conducted an investigation into the existence of the private prisons near Sarajevo mentioned in the report of the CSCE Mission. According to that report, innocent prisoners still bearing the traces of the torture to which they had been subjected were to be found in all the territories, regardless by which party they were controlled. What had been the results of the investigations carried out and of the measures taken by the authorities?

21. Mrs. CHANET thanked the delegation of Bosnia and Herzegovina. The report and the presence of that delegation demonstrated the determination of the Republic of Bosnia and Herzegovina to ensure respect for the Covenant. The Government of Bosnia and Herzegovina controlled part of the territory of that country and therefore must assume certain responsibilities. She would appreciate further details about the decision that the authorities had taken on 26 October which, it appeared, concerned the charges to be brought against those responsible for acts of torture. It was said that there were both civilians as well as combatants in the two camps apparently controlled by government forces. It was also alleged that torture was used there, and that certain detainees had even been summarily executed. Could the delegation of Bosnia and Herzegovina provide clarification of that point? Had the authorities of Bosnia and Herzegovina taken steps to make an inventory of the private prisons referred to in the CSCE report? Moreover, it appeared that two villages in Bosnia and Herzegovina had become concentration camps to the extent that the population was no longer able to leave them. Could the delegation of Bosnia and Herzegovina elucidate that point?

22. Mr. WENNERGREN said he hoped that the dialogue established with the Committee would provide a better understanding of the situation. The mere presence of the delegation seemed to indicate that Bosnia and Herzegovina considered that the Covenant should be applied in its territory. According to the Universal Declaration of Human Rights, all human beings were endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Unfortunately it seemed that that spirit of brotherhood had disappeared in the former Yugoslavia. The international community could not simply stand by and watch what was happening. It had a responsibility towards all peoples and all countries, and should endeavour to restore respect for universal human rights standards in Bosnia and Herzegovina and in the other Republics of the former Yugoslavia. The Committee, as custodian of the International Covenant on Civil and Political Rights, also had a role to play in that respect.

23. He would like to know how far the Government of Bosnia and Herzegovina could control the situation and ensure respect for human rights in Bosnia and Herzegovina. There were admittedly many difficulties and the Government did not control the entire country, although there were at least certain areas, certain activities, which were under its control and certain officials with

which it was in permanent contact and to whom it could give instructions. In the report of the CSCE Mission, the person in charge of a detention centre was identified as being a Muslim. Why that detail? The authority responsible should, a priori, be the Government of Bosnia and Herzegovina itself, or an authority designated by it. There was no point in knowing whether he was a Muslim or not. Could the delegation of Bosnia and Herzegovina explain that point?

24. Mr. SADI said it was understood that the delegation of Bosnia and Herzegovina was reporting both on the situation in the territories under Bosnian control as well as on the situation in the rest of the country occupied by Serbian forces. It was, of course, difficult to describe in a completely objective manner the human rights violations committed on both sides, but the delegation could be assured of the Committee's support in its efforts.

25. He wondered why the Muslim religion in Bosnia and Herzegovina was assimilated to nationality. The Committee, for its part, never considered the situation of a people from the standpoint of religion.

26. Mr. FILIPOVIC (Bosnia and Herzegovina) said that the Government of his country was fully alive to the fact that human rights violations were inevitable in the context of the war imposed upon it. It was aware, for example, of cases of arbitrary arrest, detention without judgement, disappearances and maltreatment inflicted upon detainees in certain prisons or certain camps. In the circumstances, therefore, it had first forbidden any arrest other than by order of the police, which was required to respect investigation procedures and to hand over anyone who had been arrested to the judicial authorities. For example, the military police was now authorized to arrest only members of the armed forces who had violated military laws. Similarly, military prisons were now reserved for members of the army found guilty of offences, and no civilian could be imprisoned in them any longer. In order to ensure the application of those measures, the system had been reorganized to reduce the powers of the military police and make the maintenance of public order the sole responsibility of the civilian police and judicial bodies.

27. In the territories controlled by the Government of Bosnia and Herzegovina, and particularly in areas which had suffered the least from infiltration by enemy elements, order was being maintained and no violence had been reported in the detention camps. Citizens of Serbian origin who felt themselves threatened had been provided with special protection. Steps had also been taken to restore respect for the law and maintain order in the region of Sarajevo, although the task was extremely difficult owing to the constant bombardments and the lack of water, electricity, fuel, food, medicines and means of communication. In that connection, while over 400,000 persons were being detained in the largest concentration camp ever to exist and the situation was becoming worse from month to month, the international community had shown no intention of coming to the assistance of the inhabitants of Sarajevo which was constantly being attacked by the aggressor. Nevertheless the Government of Bosnia and Herzegovina had been patient and shown goodwill for two months by negotiating a political agreement in Geneva that could lead to a cease-fire. At home, moreover, it had endeavoured to

seek out and punish persons responsible for illegal acts, and particularly those who had made arrests without legal authorization as well as those who had seized dwellings by force, expelling their lawful occupants. A Committee of Inquiry had been established to find those responsible for the crimes committed, regardless whether they were Muslim, Croat, Serb or partisans of any political faction, the objective being to restore the rights of the victims. Another Special Committee had been asked to examine complaints of acts committed by the military authorities, namely, arbitrary arrests and detentions and violations of the right to property, freedom of movement, work, etc.

28. The Government of Bosnia and Herzegovina was also legally responsible for the people living in the occupied part of the territory which was in the hands of the aggressor. It was conducting investigations so that the victims would once again be able to enjoy their rights and be compensated in so far as possible, although the task was extremely difficult without the support of the international community.

29. In reply to Mr. Sadi's question, he said that the Bosnians constituted a European Slav nation which, during the fifteenth and sixteenth centuries, had adopted Islam as a religion and had integrated it into their culture. Subsequently, under pressure from various violent and authoritarian regimes, the Bosnians had been deprived of their national identity and were now only known as Muslims. They had thus become the victims of hostile and xenophobic campaigns simply because of their religious beliefs which had no connection with their national and historical identity.

30. Mr. JRNKA (Bosnia and Herzegovina) recalled that Bosnia and Herzegovina had been recognized by the international community as a State based on the rule of law, and on the principles of legitimacy, legality and national, religious and ethnic non-discrimination.

31. As had been noted by the Committee itself, as well as by Mr. Mazowiecki, the Special Rapporteur, the human rights violations committed in the territory legally controlled by the Government bore no comparison with the crimes perpetrated in the part of the territory that was temporarily occupied. He added that the Bosnian authorities were not in any way acting as Muslim authorities, which would suggest that a religious war was being fought in Bosnia and Herzegovina; that was not the case. The victims of the war in the territory under the control of the Government were for the most part Muslims because the majority of the population of Bosnia and Herzegovina was Muslim, although there were also many victims belonging to other religious and ethnic groups. As regards the human rights violations of which the authorities were accused, he recalled that the Government, against which brutal aggression had been unleashed, was still unable to establish normal communications throughout the territory; in the circumstances, therefore, it was difficult to establish suitable machinery to protect human rights.

32. At the international level, it was regrettable that the decisions of the London Conference had still not yielded tangible results in the field. The Bosnian Government, for its part, had undertaken to respect all international humanitarian law instruments, and particularly the Geneva Conventions which provided for the release of persons detained in the camps. But the first

problem that had to be solved concerned the definition of "concentration camps". Participants in the London Conference had themselves realized that besieged towns and villages in areas where the war consisted in depriving the inhabitants of all means of survival could no doubt be regarded as concentration camps. He also recalled that representatives of the international community, and in particular ICRC delegates, were still invited to visit detention camps and prisons. An agreement had been reached on the subject on 1 October at Geneva for the unconditional opening-up of camps; the Government had respected its commitments even though it might have acted a little late due to difficulties of communicating with the local authorities. It had admittedly been found that human rights violations had taken place in those camps, and the Government did not deny its responsibility for the maltreatment suffered by certain detainees. It should, however, be borne in mind that, even after the detainees had been released, the aggressor had continued his policy of ethnic cleansing by preventing the persons released from returning to their homes or villages of origin, by threatening their security, by pressuring them to emigrate to Croatia and using force to move them there.

33. He said that Bosnia and Herzegovina would fulfil all its obligations under international human rights instruments and assured the Committee that all the principles proclaimed in those instruments would be embodied in the national Constitution.

34. Mr. FILIPOVIC (Bosnia and Herzegovina), adding a few details about the arrest of persons who had been involved in the prisoner exchange, said that a number of persons had indeed been arrested in the past in the Sarajevo region; no such arrests had taken place recently, however, since the Government had taken measures prohibiting unauthorized exchanges of prisoners.

35. The CHAIRMAN invited members of the Committee to present their final observations after having heard what the delegation of Bosnia and Herzegovina had had to say.

36. Mr. LALLAH said that although the written report did not correspond, from a methodological and systematic standpoint, to the Committee's four questions, they had nevertheless been answered orally by the delegation. He was pleased to note that the Government of the Republic of Bosnia and Herzegovina agreed to be held responsible not only for what was happening in the part of the territory under its control but also for events in the part that it did not control.

37. A number of abuses had been committed by members of the armed forces and the police. Since the Government had undertaken to respect the Covenant, he asked why no declaration had been made under article 4 of the Covenant and wondered about the derogations that might have been made from the Covenant before the adoption of measures to deprive the military police of some of their powers. He also hoped that specific measures would be taken in the light of the observations presented by members of the Committee. He took note of the goodwill displayed by the authorities of Bosnia and Herzegovina and hoped that the situation would improve as a result.

38. Mr. MÜLLERSON said that the frank replies of the delegation of Bosnia and Herzegovina provided the Committee with the assurance that that Republic would succeed to the former Yugoslavia in respect of the human rights obligations it had assumed, and thanked the Government for having reported to the Committee so quickly in view of present circumstances.

39. The abuses committed by forces under the Government's control in a conflict that had been imposed on it were most regrettable. He hoped that the Government would endeavour to prevent human rights violations - even those taking the form of reprisals. The delegation's replies appeared to indicate that the authorities were doing their best to restore public order in the territory under their control but it was difficult not to mention the crimes committed by forces not under their control. Ethnic cleansing was a form of genocide, and in any event was accompanied by massive violations of articles 6, 7, 12 and 26 of the Covenant. He hoped that the conclusions drawn by the Committee after it had considered the various reports of the Republics of the former Yugoslavia would induce the international community to take action to mitigate the suffering of the population of Bosnia and Herzegovina. In conclusion he wished the delegation every success in the difficult negotiations that were under way.

40. Mr. PRADO VALLEJO said he was satisfied by the detailed replies given by the delegation of Bosnia and Herzegovina, which he thanked for its cooperation and frankness. He also noted with satisfaction that the Republic had undertaken to apply the Covenant. However, that goodwill should find expression in tangible measures designed to restore peace in the region. For that purpose, investigations should be carried out into the human rights violations which had occurred and for which not only those who had committed them but also those who had tolerated them were responsible.

41. It was true, as the delegation had said, that the international community had not acted as it should have done pursuant to its obligation to ensure respect for international human rights standards. That reproach was directed in particular at the European Community which, because of its proximity, bore greater responsibility. As for the specific measures that should be taken, he thought that first of all the concentration camps should be dismantled; secondly, the Red Cross should be given access to the camps in question as well as to places of detention in general; thirdly, ethnic hatred must be stamped out and, fourthly, legality should be restored. The delegation had expressed its determination to ensure respect for law and legality, for it was the pre-eminence of law that made coexistence between peoples possible.

42. Mrs. HIGGINS said she appreciated the attitude of the delegation of Bosnia and Herzegovina which could have very easily used its meeting with the Committee to slough off all responsibility on others and simply to list the horrors that were taking place at the present time. Yet, while drawing attention to the terrible reality, the delegation had recognized the Government's responsibility under the Covenant.

43. Furthermore, the delegation had taken into account the special concern expressed by members of the Committee in their oral questions, and had provided quite detailed replies in certain cases. Personally, she considered that her own questions had been answered. Mr. Filipovic had provided details

of the specific measures that had been taken in connection with the various problems mentioned, and those measures appeared to correspond to what the Committee could itself have recommended, particularly in the field of control. In that respect she emphasized the need to remain vigilant, particularly as in such circumstances communications with those for whom the Government was responsible were often cut.

44. Mr. Bijedic had raised the interesting question of whether besieged towns constituted concentration camps and whether a suitable definition should be found to reflect that fact. Personally she did not see the point of attempting to expand definitions. What was of concern to the Committee was respect for the Covenant, which guaranteed the rights of all persons in all circumstances everywhere - in besieged towns, in camps, in prisons, on the roads or in their homes. The Committee appreciated the attitude of Bosnia and Herzegovina which had assumed its share of the responsibility for the tragic circumstances and established a dialogue with the Committee.

45. Mrs. CHANET associated herself with previous speakers in congratulating the delegation of Bosnia and Herzegovina for having replied so satisfactorily to the Committee's questions. She noted with interest the Government's determination to apply the Covenant and even to include its provisions in the new Constitution. It was noteworthy that the delegation had indicated its desire to assume all its responsibilities under the Covenant despite the considerable difficulties connected with the war that had been forced upon it and the daily suffering of the population. She had appreciated the details provided concerning the measures adopted which could, of course, be applied only in so far as the situation permitted.

46. Mr. HERNDL, said it was encouraging to hear the delegation of Bosnia and Herzegovina explaining how the authorities intended, as far as possible, to rectify the human rights situation in the country. He thanked the delegation for its explanations, and noted with pleasure that the concept of a war of ethnic cleansing was alien to the population of Bosnia and Herzegovina and that the Government understood its obligations under the Covenant, which it was determined to apply - a task that would not prove easy in view of the situation in the field. He took note of the specific measures that had been taken and trusted that they would be strengthened, and expressed the hope that peace would return to the country so that the application of the Covenant could be guaranteed to all persons under the authority of the Republic of Bosnia and Herzegovina.

47. Mr. WENNERGREN had also found what the delegation had had to say encouraging, since the authorities were doing everything possible to protect human rights, investigate violations and punish those responsible. He also noted that the delegation had recognized that many violations were attributable to Bosnia and Herzegovina; that was understandable in view of the exceptional circumstances created by the war. What was important was to try to prevent violations, even if it was not always possible to succeed. He urged the authorities to continue their efforts to promote human rights, since failure to do so would augur ill for the future of the country.

48. Mr. AGUILAR URBINA deplored the abuses which had been committed during the conflict that was taking place in the former Yugoslavia and which could undoubtedly be called genocide. Like Mr. Prado Vallejo, he also deplored the fact that the international community had been unable to act with the desired speed and energy since the introduction of the ethnic cleansing policy.

49. Nevertheless he was encouraged by what the delegation had said concerning the specific measures taken by the Government to ensure respect for human rights in Bosnia and Herzegovina. It was reassuring to note that the authorities had recognized their responsibility for acts that had been committed not only in the portion of territory under their control but also in the rest of the Republic's territory. He hoped that, once the situation had returned to normal, those responsible would be prosecuted and punished as they deserved.

50. He associated himself with Mr. Prado Vallejo's point about the need to dismantle the concentration camps. According to the CSCE report, the Croat-Muslim coalition was in the process of establishing camps in which the majority of the detainees were women and children. He congratulated the Bosnian Government on having disbanded militia units and having replaced army officers who had committed human rights violations.

51. Mr. SADI said it was gratifying to note that Bosnia and Herzegovina had undertaken to respect the Covenant, and that it had recognized its responsibility for certain human rights violations and announced its intention to prosecute the guilty parties. That attitude was important not only from the standpoint of the Covenant but also because it was an example for other countries, most of which tended, in emergency situations, to blame the other party to the conflict for any atrocities committed. The Committee hoped that Bosnia and Herzegovina would continue to set an example by taking steps to prevent violations and by prosecuting and punishing those responsible. Lastly, he emphasized that, even when a state of emergency had been proclaimed officially, there were certain rights from which no derogation was possible and which were proclaimed in article 4 of the Covenant; the Committee expected Bosnia and Herzegovina to respect that obligation as well.

52. The CHAIRMAN thanked the delegation of Bosnia and Herzegovina for the useful information it had provided in reply to the questions set out in the Committee's decision, as well as to the questions put orally by members of the Committee. In his view, the submission of the report and the presence of the delegation as well as what it had had to say demonstrated that the Government of Bosnia and Herzegovina, as the Government of one of the successor States of the former Yugoslavia, intended to live up to its obligations and respect all the human rights proclaimed in the Covenant. He emphasized that the delegation had replied unequivocally to the Committee's questions and that the Government had stated its readiness to assume all its responsibilities for the violations committed in relation to the Covenant when, in the circumstances, it would have found it easier to blame others. That attitude revealed that the Government of the Republic was genuinely determined to do everything in its power to apply the Covenant. In that connection, and in order to inform the international community of its Government's intention to apply the Covenant as well as other human rights instruments, the delegation might perhaps officially announce the intention of Bosnia and Herzegovina to succeed

to the former Yugoslavia in respect of the Covenant in an official note addressed to the Centre for Human Rights. In conclusion he expressed the hope that the negotiations under way would result in a drastic improvement of the situation, and that all those living in the Republic of Bosnia and Herzegovina would soon be able to enjoy all the rights protected by the Covenant.

53. Mr. FILIPOVIC (Bosnia and Herzegovina) thanked members of the Committee for their questions, suggestions and advice. He assured the Committee that Bosnia and Herzegovina, conscious of the fact that war constituted the worst violation of human rights, was making every effort to bring it to an end by an honourable agreement. It had been with that in view that it had drafted a Constitution guaranteeing the protection of all human rights proclaimed in United Nations and other international instruments. By fighting for human rights and the maintenance of legality, Bosnia and Herzegovina was fighting for its survival and for its freedom.

54. In conclusion, the delegation assured the Committee that Bosnia and Herzegovina would do everything possible, subject to the circumstances created by the war, to honour its obligations and guarantee to all respect for human rights. The international community would be informed of the situation and the next report submitted by Bosnia and Herzegovina to the Committee would include a section devoted to human rights violations and a second section to the specific measures taken by the Government to protect those rights.

55. The CHAIRMAN said that the Committee had completed its consideration of the report of Bosnia and Herzegovina and hoped that the next report would be considered in better circumstances.

The meeting rose at 5.45 p.m.